

**BEFORE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL MUMBAI**

**AT006000000053625/22**

Bharat N. Mistry & Rakesh Shah

... Appellant

V/s.

M/s. Realgem Buildtech Pvt. Ltd.

...Respondent

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*Adv. Abhijeet Devkhile for Appellant*

*Adv. Abir Patel for Respondent*

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**CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 15<sup>th</sup> February, 2024**

**(THROUGH VIDEO CONFERENCE)**

Following order is passed.

**ORDER**

1. Appeal AT006000000053625/2022 is partly allowed.
2. The impugned Order dated 29<sup>th</sup> December, 2021 passed in Complaint No.CC006000000196018 is set aside.
3. The Respondent/ Promoter is directed to refund an amount of Rs.1,39,39,041/- paid by the Allottees/ Appellants with interest at the rate 2% above as per the SBI's Marginal Cost Lending Rate (MCLR) from the dates of payment of the said amount till realization of the entire amount.
4. The charge of the amount shall remain on the respective flat till realization of the above amount.
5. The Respondent/ Promoter is directed to pay cost of Rs.20,000/- to the Appellants/ Allottees.
6. Copy of this Order be communicated to the Authority and the respective parties as per Section 44(4) of RERA, 2016.

  
**(DR. K. SHIVAJI)**

Ajit

  
**(SHRIRAM. R. JAGTAP)**